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Secretary

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Minutes

Board of Elevator Regulations  
One Ashburton Place, 21<sup>st</sup> Floor - Conference Room #1  
October 25, 2016 at 1:00 p.m.

**Board Member Present:**

Stephen Sampson, Chairman  
David Gaudet  
John O'Donoghue  
David Morgan  
Michael J. Nicoloro Jr.  
Cheryl Davis

**Board Members Absent:**

Harold J. McGonagle  
Tom Riley

**Guests Present:**

Douglas Thomas (Fitchburg State University)  
Paul Hasbrouck (Worcester Elevator Co.)  
William Barletta (Fitchburg State University)  
Leonard Bertaux (Bertaux & Iwerks Architects)  
Fred DiPrima (Historic New England)  
Wendy Gus (Historic New England)  
Gary Sawyer (Embree Elevator)  
Tabitha Ruggles (United Home Experts)  
Sarah Hines (Hines Design Associates)  
Bruce Nolan (Atlantic Elevator)  
Ed Wadman (Barkan Management)  
Deirdre Ann Hosler (DPS)  
Ruthy Barros (DPS)

1. The Board of Elevator Regulations reviewed the minutes pertaining from the BER meeting that has held on September 14, 2016. **A motion to revisit and clean up the code review minutes made by Cheryl Davis. The motion was seconded by David Gaudet. Vote: 6-0; Granted.**

2. The Board of Elevator Regulations reviewed the minutes pertaining from the BER meeting that has held on October 4, 2016. **A motion to accept the minutes with the noted corrections was made by David Gaudet. The motion was seconded by David Morgan. Vote: 5-0; Granted. Cheryl Davis abstained.**

3. The Board of Elevator Regulations reviewed the minutes pertaining from the BER meeting that has held on October 18, 2016. **A motion to place the minutes on hold pending further clarification was made by Cheryl Davis. The motion was seconded by David Gaudet. Vote: 6-0; Granted.**

**The Board discussed the following:**

**4. 316 Highland Avenue – Fitchburg, MA**

**Unit: 97-P-16267**

**524 CMR Section 17.03 (2)**

**Owner: Fitchburg University**

**Petitioners: Paul Hasbrouck**

The petitioner came before the Board seeking a variance from the 524 CMR section 17.03 (2) in regards to the ventilation requirements. The petitioner stated that the elevator has recently undergone upgrades except for the existing hoistway. The existing elevator was installed in 1972-1973 and has been in continuous operation with no major inspectional issues. The petitioner is requesting that the Board allow the existing ventilation configuration to remain. Any modifications to the vent at this point would create structural issues to the building. The petitioner stated that the existing ventilation does prevent the accumulation of smoke and hot gases. A motion was put forth by John O'Donoghue that the existing ventilation configuration meets A17.1-2004 Section 2.1.4. The motion was seconded by Cheryl Davis.

**Motion:** John O'Donoghue

**Seconded by:** Cheryl Davis

**Vote: 6-0; Granted.**

**5. 151 Essex Street – Haverhill, MA**

**Unit: 128-P-45**

**Relief from Inspector's Report**

**A17.1-1990 Section 200.8**

**Owner: Historic New England**

**Petitioner: Wendy Gus**

The petitioner came before the board seeking a relief from the inspector's report citing A17.1-1990 Section 200.8, overall length of guide rails. The petitioner stated that the elevator has been in service and has passed inspection for over 14 years and has been operating as is. The rails do extend to the bottom of the sheave and to the extreme limit.

The petitioner stated the top of the shoe to the top of the rail is 18". The petitioner stated that they will adhere to all other deficiencies listed on the inspector's report. A motion was put forth by David Morgan to place the petition on hold until the Department of Public Safety can have an inspector take a look and report back to the Board, as to what they believe the counterweight rails safety situation actually is. The justification for the motion is concern for safety. The motion was seconded by Cheryl Davis.

**Motion:** David Morgan

**Seconded by:** Cheryl Davis

**Vote:** 6-0; Placed on hold.

**6. 60 Pleasant Street – Ashland, MA**

**524 CMR A17.1-1996 Section 35 Part XX 2000.7a**

**Owner:** Sixty Pleasant Realty, LLC

**Petitioner:** Tabitha Ruggles

The petitioner came before the board seeking a variance for a new installation of a wheelchair lift where the height of travel would exceed 12'. The petitioner is requesting 15'8" for the height of travel. The petitioner stated that the two story old mill building was built in 1855 and due to structural constraints, it does not lend itself to installing a pit. A motion was put forth by John O'Donoghue to grant the variance with 524 CMR A17.1-1996 Section 35 Part XX 2000.7a with a travel height of 15'9" in lieu of the requested 15'8" of travel height. The justification for the motion is that the existing conditions prevent installation of a pit. The decision from the Board is pending until the Board receives verification from the manufacturer that the proposed Savaria equipment will comply with 15'9" of travel height, within two weeks. The motion was seconded by Stephen Sampson.

**Motion:** John O'Donoghue

**Seconded by:** Stephen Sampson

**Vote:** 4-2; **Place on hold for two weeks.** David Gaudet and David Morgan were in opposition.

**7. 24 Farnsworth Street – Boston, MA**

**524 CMR 32.05**

**Owner:** Unitarian Universalists Association

**Petitioner:** Edward Wadman

The petitioner came before the board seeking a variance for a new installation, in regards to the requirement of a separate elevator machine room. The petitioner stated that they are replacing an existing wheelchair lift with a VRC The existing wheel chair lift that has been at the above location since the 1980's. The petitioner would like to utilize the existing control space as a suitable enclosure around machinery and control equipment as it is the only space which is located in the corridor in front of the VRC door. A motion

was put forth by David Morgan to grant the variance under sections 32.08 (5) and 32.05 with the justification of the Board has agreed to the adoption on section 32.08 (5). The motion was seconded by David Gaudet.

**Motion:** David Morgan

**Seconded by:** David Gaudet

**Vote:** 6-0; Granted.

## **8. Gould Construction Institute**

Deirdre Ann Hosler, Deputy General Counsel, was present and addressed the Board in regards to the Board's jurisdiction on the approval of apprenticeship curriculums.

Counsel's position was reversed after researching DPS records. Counsel established that historically it has been the Board of Elevator Examiners who have handled these training approvals, and have specifically approved CET training.

## **9. Code Review**

The Board, along with Counsel, discussed changes the Board has made but were not reflected in the code draft from legal.

### **Matter not reasonably anticipated 48 hours in advance of meeting**

## **10. 18 Broadway – Rockport, MA**

**ASME 5.2.1.16.5, 5.2.1.4.4, 2.4.12.1 and 2.4.12.2**

**Owner:** Historic Meeting House LLC

**Petitioner:** Alan Battistelli

The Board reviewed the requested documents that were submitted by the petitioner. A motion was put forth by David Morgan to grant the variance due to the fact the Board received the requested documentation from the manufacturer, with stipulation that the refuge space be identified on the car top. The justification of the motion is due to the petitioner providing the Board with the requested documentation. The motion was seconded by David Gaudet.

**Motion:** David Morgan

**Seconded by:** David Gaudet

**Vote:** 5-0; Granted. Cheryl Davis abstained.

### **Exhibit List:**

Exhibit 1: Meeting minutes from September 14, 2016

Exhibit 2: Meeting minutes from October 4, 2016

Exhibit 3: Meeting minutes from October 18, 2016

Exhibit 4: Variance Petition – 316 Highland Avenue – Fitchburg, MA

Exhibit 5: Pictures from 316 Highland Avenue

Exhibit 6: Variance Petition – 151 Essex Street – Haverhill, MA

Exhibit 7: Pictures from 151 Essex Street

Exhibit 8: Variance Petition – 60 Pleasant Street – Ashland, MA

Exhibit 9: Variance Petition – 24 Farnsworth Street – Boston, MA

Exhibit 10: Pictures from 24 Farnsworth Street

Exhibit 11: Variance for Petition – 18 Broadway – Rockport, MA

**Motion to adjourn by:** John O'Donoghue

**Seconded by:** Michael J. Nicoloro

**Vote: 6-0; Granted.**

Hearing Concluded at 3:07 p.m.

Prepared by: Ruthy Barros